

## **BILL ANALYSIS**

Senate Research Center  
87R5883 JES-D

S.B. 735  
By: Paxton  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Presently, a licensed midwife is allowed to administer eye ointment, oxygen, and those drugs obtained under the supervision of a physician. The limited nature of the drugs which midwives are currently permitted to administer limits the care for an expectant mother during the birth of her newborn.

Interested parties say there was an increase in the number of home births using a licensed midwife over the last year due to the COVID-19 public health emergency. The goal of this legislation is to expand the number and types of drugs a licensed midwife may access in order to care for a woman and her newborn before, during, and after the process of childbirth.

The proposed legislation adds a new section to Chapter 203 of the Occupations Code that outlines the specific drugs a midwife would be allowed to administer, including drugs that are focused on improving the standard of care for the mother and the newborn child that meet the applicable standard of care for a woman or newborn. The legislation also requires licensed midwives in the state of Texas to undergo additional training, including a course in pharmacology and education on the administration of the drugs.

As proposed, S.B. 735 amends current law relating to the administration of certain drugs by a midwife.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 (Section 203.304, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 203.256, Occupations Code, as follows:

Sec. 203.256. New heading: TRAINING IN NEWBORN SCREENING, ADMINISTRATION OF CERTAIN DRUGS, AND BASIC LIFE SUPPORT CARDIOPULMONARY RESUSCITATION. Requires a person who practices midwifery in this state to provide the Texas Department of Licensing and Regulation (TDLR) with satisfactory evidence that the person has certain qualifications, including that the person is trained to administer drugs described by Section 203.3525. Makes nonsubstantive changes.

SECTION 2. Amends Section 203.304, Occupations Code, by adding Subsection (a-1), as follows:

(a-1) Requires the Texas Commission of Licensing and Regulation (TCLR) by rule to require a licensed midwife to complete, as part of the minimum hours required to renew a license, a course in pharmacology and training in the administration of the drugs described by Section 203.3525.

SECTION 3. Amends Subchapter H, Chapter 203, Occupations Code, by adding Section 203.3525, as follows:

Sec. 203.3525. ADMINISTRATION OF CERTAIN DRUGS. (a) Authorizes a midwife to administer a drug commonly used in labor or postpartum care, including an anti-hemorrhagic drug, intravenous fluids, or a local anesthetic, or to administer a prophylactic drug that meets the applicable standard of care for a woman or newborn and is approved by the Department of State Health Services.

(b) Provides that the administration of a drug by a midwife under this section does not constitute the practice of medicine as defined by Subtitle B (Physicians).

SECTION 4. Amends Section 203.401, Occupations Code, to prohibit a midwife from administering a prescription drug to a client other than certain drugs, including, a drug described by Section 203.3525. Makes nonsubstantive changes.

SECTION 5. Requires TCLR to adopt rules as required by Section 203.304(a-1), Occupations Code, as added by this Act, not later than December 1, 2021.

SECTION 6. Makes application of 203.304(a-1), Occupations Code, as added by this Act, prospective to March 1, 2022.

SECTION 7. Makes application of Section 203.401, Occupations Code, as amended by this Act, prospective to March 1, 2022.

SECTION 8. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2021.

(b) Effective date, Section 203.256, Occupations Code, as amended by this Act, and Section 203.3525, Occupations Code, as added by this Act: March 1, 2022.